

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

HARRY WILLIAMSON,

Plaintiff,

vs.

LORAIN COUNTY, et al.,

Defendants.

CASE NO. 1:23-CV-01507

JUDGE DAVID A. RUIZ

**MOTION TO WITHDRAW AS COUNSEL FOR REMAINING
DEFENDANT TOM WILLIAMS**

In accordance with L.R. 83.9, Stephen M. Bosak and the law firm of Gembala, McLaughlin & Pecora Co., LPA, seek the Court's permission to withdraw as Counsel for Defendant Tom Williams ("Williams").¹ In relevant part, Local Rule 83.9 provides that "[t]he attorney of record may not withdraw...without first providing written notice to the client and all other parties and obtaining leave of Court." Undersigned counsel has provided written notice to their clients and all other parties of their intent to withdraw and now seek leave from the Court to do so. (See Declaration of Stephen M. Bosak, attached). Attorney William Novak will remain as lead counsel for Mr. Williams.

On September 27, 2024, the Court granted summary judgment in favor of all Defendants except Mr. Williams. (Doc. 42). As a result of evidence presented at the summary judgment stage, undersigned counsel identified a potential conflict of interest

¹ Attorneys Matthew Dooley and Michael Briach are no longer associated with the law firm of Gembala, McLaughlin & Pecora Co., LPA, and as a result, are no longer retained by the Defendants. On those grounds alone, withdrawal is appropriate for them. Regardless, Mr. Dooley and Mr. Briach have the same potential conflict as Mr. Bosak and Gembala, McLaughlin & Pecora Co., LPA due to their former representation of the Lorain County Board of Commissioners.

in the continued representation of Mr. Williams and his anticipated defenses that may be presented at trial. (Bosak Decl., at ¶ 4). As a result, undersigned counsel sought and obtained written consent from Mr. Williams and the other Defendants to withdraw as counsel. (*Id.*, at ¶ 5).

The Rules of Professional Conduct dictate that a lawyer should not continue to represent a client when there is a substantial risk that the lawyer's continued representation would be materially limited by a lawyer's responsibility to current and former clients. Ohio R. Prof'l Cond. 1.7. Due to the potential for conflict related to Mr. Williams's defense, and out of an abundance of caution, undersigned counsel believe that withdrawal is the most sensible course of action. Mr. Williams retained William Novak to assume lead representation moving forward, and Mr. Novak entered his appearance on December 5, 2024. Mr. Novak is fully capable of defending Mr. Williams against the remaining claims in this litigation.

Both the ABA's and Ohio's Rules of Professional Conduct permit an attorney to withdraw from representation if, among other things, the client will not suffer material adverse effect from the withdrawal. See ABA-AMRPC Rule 1.16(b)(1); Ohio R. Prof'l Cond. 1.16(b)(1). In this case, attorney William Novak filed his notice of appearance on behalf of Defendant on December 5, 2024. Mr. Williams is represented by competent counsel and will not be adversely affected by the withdrawal of undersigned counsel. This case remains in progress with no trial date scheduled. *See Cleary v. DePuy Orthopaedics, Inc.*, No. 1:11-dp-20820, 2019 U.S. Dist. LEXIS 156042, 2019 WL 13199320 (N.D. Ohio Sept. 12, 2019) (granting motion to withdraw where discovery had not been completed and no trial dates set). Moreover, Plaintiff has received written notice of Counsel's intention to withdraw. *Id.* (noting that "[a]n attorney's 'withdrawal is presumptively appropriate where the

[Model Rules of Professional Conduct and the Local Rules] requirements are satisfied.”)
(quoting *Brandon v. Blech*, 560 F.3d 536, 538 (6th Cir. 2009)).

WHEREFORE, Stephen M. Bosak, on behalf of himself and his firm, respectfully requests that the Court grant his request to withdraw as counsel for Defendant Tom Williams. Mr. Bosak also requests that the Court withdraw Mr. Dooley and Mr. Briach as counsel for Mr. Williams.

Respectfully submitted,

GEMBALA, McLAUGHLIN
& PECORA CO., LPA

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